IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WENESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14224 of 2004

Between:

T.Viswanatha Reddy S/o. Sanjeeva Reddy
Makur Village and Mandal, Ananthapur District.

..... PETITIONER

AND

1 The Joint Collector, Ananthapur
2 Revenue Divisional Officer, Ananthapur
3 The Mandal Revenue Officer, Atmakur Anathapur District.
4 H.Anjaneyulu S/o.Pedda Ramanna
5 H.Narayana S/o. Mallanna @ Anjinaiah
Respondent Nos.3 and 4 are R/o. P.Yaleru Village Atmakur Mandal,

Anathapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the Rc.No.(E3)4040/2004, dt.3.8.2004 passed by the 1st respondent is illegal, arbitrary and violation of Article 21 of the constitution of India and consequently set aside the Rc.No.(E3) 4040/2004, dt.3.8.2004 passed by the 1st Respondent.

Counsel for the Petitioner: MR.KUNCHEAM MAHESWARA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent Nos.4 and 5: None appeared.

The Court made the following :

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for Revenue, appearing on behalf of respondent Nos.1 to 3.

In this Writ Petition the petitioner seeks to assail the orders passed by the Joint Collector, wherein the Joint Collector disposed of the appeal confirming the vacate interim orders passed by the 2nd respondent-R.D.O., Ananthapur, pending the appeal before the R.D.O., Ananthapur.

The case of the petitioner is that he is assignee and the same was sought to be cancelled erroneously by the M.R.O., Ananthapur, and immediately he filed an appeal before the R.D.O., Ananthapur. Though R.D.O., Ananthapur, earlier granted status quo, due to the absence of his counsel, the same was vacated. Therefore, he filed appeal before the Collector, which was disposed of confirming the vacate interim orders passed by the R.D.O., Ananthapur, and directing the R.D.O., Ananthapur to take necessary action.

Having regard to the submissions made and also on perusal of the material, it is seen that main appeal is pending before the Revenue Divisional Officer, Ananthapur. Having regard to the same, it is not necessary to go into the merits of the case, it would suffice in the interest of justice to direct the 2nd respondent-R.D.O., Ananthapur to dispose of the main appeal at the earliest.

The Writ Petition is, accordingly, disposed of directing the 2nd respondent herein to dispose of the appeal within a period of one month from the date of receipt of a copy of this order. Pending disposal of the appeal, order dated 03-08-2004 passed by the 1st respondent herein shall be stayed and will not be given effect to. No costs.

_____

B.PRAKASH RAO, J.

Dated 11-08-2004.

skmr

To

1 The Joint Collector, Ananthapur
2 The Revenue Divisional Officer, Ananthapur
3 The Mandal Revenue Officer, Atmakur, Anathapur District.
4. 2CCs to G.P. for Revenue, High Court of A.P., Hyderabad.(OUT).

5. 2CD copies